HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.15316 OF 2006

Between:

Y.Ravi and others

. . .Petitioners

AND

State Election Commission and others

. . .Respondents

Counsel for the petitioners : Sri B.Vijaya Bhaskar

Counsel for the respondent Nos.1to3 : Shri V.V.Prabhakar Rao

Counsel for the respondent Nos.4&5 : Government Pleader for Revenue

Dated: 1st August, 2006

: ORDER :

PER G.S.SINGHVI, CJ

In this petition, the petitioners have prayed for issue of a mandamus to the respondents to include their names in the voters list of Gorantla Gram Panchayat and allow them to participate in the election for Gram Panchayat Gorantla, Guntur Rural Mandal, Guntur.

Although the respondents have not filed counter-affidavits, we do not consider it necessary to adjourn the hearing because, after going through the averments contained in the affidavit filed in support of the writ petition and annexed documents, we are convinced that the prayer made by the petitioners is merit less and the writ petition is liable to be dismissed.

In his affidavit, petitioner No.1-Y.Ravi has averred that he and his family members had submitted application dated 03.12.2005 for inclusion of their names in the electoral roll but the authority concerned did not take any step and, on that account, they will be deprived of their legitimate right to participate in the election to be held for the Gram Panchayat Gorantla.

In our opinion, filing of the application by the petitioners in December 2005 is not sufficient to entitle them to seek a direction from the Court for inclusion of their names in the voters list meant for Gram Panchayat election.

We can take judicial notice of the fact that vide notification dated 01.05.2006 issued by the State Election Commission under Article 243-K (1) of the Constitution read with Section 11 of Andhra Pradesh

Panchayat Raj Act, 1994 (for short 'the Act') the District Panchayat Officers were authorized to prepare and publish the electoral rolls. Thereafter, voters' lists of various Gram Panchayats were notified on 08.05.2006. The petitioners could have lodged their claim or filed application in terms of proviso to Section 11 of the Act read with Rule 6 of 2000 Rules before Electoral Registration Officer under Sections 22 or 23 of Representation of People Act, 1950. If their claim was accepted by the competent authority, then they would have become entitled to participate in the process of election and exercise their franchise. However, the fact of the matter is that no such application was made by either of the petitioners for inclusion of their names in the voters list of Gram Panchayat. Therefore, it is not possible to entertain the prayer made by them.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.19071 of 2006 filed by the petitioners for grant of interim relief is also dismissed. Interim order dated 25.07.2006 shall stand automatically vacated.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 01.08.2006

kvni/svs